

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **03-MDL-1570 (GBD)(SN)**
_____:

This Document Relates To:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN) and member case
Burlingame, et al. v. bin Laden, et al., Case No. 02-cv-7230 (GBD)(SN)
Ryan, et al. v. Islamic Republic of Iran, et al., Case No. 1:20-cv-00266 (GBD)(SN)

**THE BREITWEISER PLAINTIFFS' MOTION FOR ENTRY OF FINAL
DEFAULT JUDGMENT AGAINST THE TALIBAN AND MUHAMMAD OMAR**
[substitute motion for MDL Doc. No. 7644]

Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Kristen Breitweiser individually in her own right, and Caroline Breitweiser (“collectively, the “Breitweiser Plaintiffs”), by and through counsel, hereby file this Motion For Entry of Default Judgment Against The Taliban and Muhammad Omar, seeking a Final Default Judgment against the Taliban and Muhammad Omar with awards for economic damages, non-economic damages for conscious pain-and-suffering, and/or solatium damages, and pre-judgment interest, in favor of said Plaintiffs, all in amounts previously established, found, and entered in this case against other defendants in this action, and as reflected on Exhibits A and B filed herewith.

The Breitweiser Plaintiffs further request that such damages be trebled under the Anti-Terrorism Act, 18 U.S.C. §2333(a).

This Motion is intended to supplant and substitute for the motion papers filed at MDL Doc. No. 7644, which the Breitweiser Plaintiffs withdraw.

Specifically, Plaintiff Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, moves for entry of final judgment in the amounts previously established and found as conscious pain-and-suffering damages of \$2,000,000, at MDL Doc.

Nos. 3226 (March 8, 2016) and 3229 (March 9, 2016), and as economic damages in the amount of \$45,385,507 at MDL Doc. No. 4011, Burlingame Doc. No. 22 (May 29, 2018), and, further, moves that such damages be trebled under the Anti-Terrorism Act, 18 U.S.C. §2333(a).

Plaintiffs Kristen Breitweiser individually in her own right, and Caroline Breitweiser, move for Final Default Judgment against the Taliban and former leader of the Taliban, Muhammad Omar, in the amounts previously established and found as solatium damages of \$12,500,000 for Kristen Breitweiser as a spouse of a 9/11 Decedent; and \$8,500,000 for Caroline Breitweiser as a then-minor dependent child of a 9/11 Decedent. *See* MDL Doc. No. 4011, Burlingame Doc. No. 22 (May 29, 2018). Plaintiffs Kristen Breitweiser individually in her own right, and Caroline Breitweiser, further, move that such damages be trebled under the Anti-Terrorism Act, 18 U.S.C. §2333(a).

The Breitweiser Plaintiffs also seek an award of pre-judgment interest at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of the judgment for damages.

The Breitweiser Plaintiffs further seek permission to file a future request for an award of punitive damages. This Court has previously entered judgment for punitive damages to Plaintiff Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, as to the conscious pain-and-suffering component, only, of the Estate's judgments against another defendant. MDL Doc. No. 3226 (March 9, 2016, entry no. 648).

In support of this motion, the Breitweiser Plaintiffs adopt and incorporate the motions, memoranda, declarations, and exhibits filed by other *Burlingame* plaintiffs in this action at MDL Doc. Nos. 7594-7596 and 7634-7636 in support of such other *Burlingame* plaintiffs' Motions for Default Judgment against the Taliban and Muhammad Omar. The Breitweiser Plaintiffs do so

on the grounds that the Complaint and/or Amended Complaints in this action, as well as matters such as service, defaults, and damages findings, were filed, entered, or occurred in favor of the Breitweiser Plaintiffs at times when the Breitweiser Plaintiffs were represented by *Burlingame* plaintiffs' counsel who filed the papers at MDL Doc. Nos. 7594-7596 and 7634-7636. The Breitweiser Plaintiffs are now represented by the undersigned counsel, who entered as substitute counsel on August 28, 2019, by order of this Court on September 16, 2019. See MDL Doc. Nos. 5017 and 5157.

The facts, and the actions taken by the Breitweiser Plaintiffs' prior counsel, as detailed in the motion, memoranda, supporting declarations, and exhibits at MDL Doc. Nos. 7594-7596 and 7634-7636, support the entry of Default Judgments in favor of the Breitweiser Plaintiffs against the Taliban and Muhammad Omar exactly as they do the other *Burlingame* plaintiffs subject to the motion and supporting papers filed at MDL Doc. Nos. 7594-7596 and 7634-7636.

A supporting Declaration of undersigned counsel is being filed separately.

The Breitweiser Plaintiffs for whom such default judgments are requested herein are listed in Exhibit A and Exhibit B hereto, together with the conscious pain-and-suffering damages, economic damages, and/or solatium damages, as well as treble damages sought herein.

CONCLUSION

For the foregoing reasons, Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Kristen Breitweiser individually in her own right, and Caroline Breitweiser, request that this Court grant the Breitweiser Plaintiffs' Motion For Entry Of Final Default Judgment Against The Taliban And Muhammad Omar in the amounts set forth on Exhibits A and B.

Date: March 16, 2022

Respectfully Submitted,

/s/ Dennis G. Pantazis

Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB LLC
The Kress Building
301 Nineteenth Street North
Birmingham, Alabama 35203
(205) 314-0500
dgp@wigginschilds.com

*Attorney for Plaintiffs Kristen Breitweiser, as
Personal Representative of the Estate of Ronald
Breitweiser, Deceased, Kristen Breitweiser
individually in her own right, and Caroline
Breitweiser*